



City of Huntington Beach Planning and Building Department  
**STAFF REPORT**

**TO:** Planning Commission  
**FROM:** Scott Hess, AICP, Director of Planning and Building  
**BY:** Ethan Edwards, AICP, Associate Planner  
**DATE:** September 11, 2012

**SUBJECT: CONDITIONAL USE PERMIT NO. 12-012 (SCRAPS RESTAURANT – ONSITE SALE OF ALCOHOL)**

**APPLICANT/  
BUSINESS**

**OWNER:** Vinh Nguyen, 3045 Bartlett Avenue, Rosemead, CA 91770

**PROPERTY**

**OWNER:** Decron Properties, Inc., c/o J. Beeson, 17011 Beach Boulevard, Suite 430, Huntington Beach, CA 92647

**LOCATION:** 7862 Warner Avenue, Suite 110, 92647 (Southwest corner of Warner Avenue at Beach Boulevard – Comerica Tower Center)

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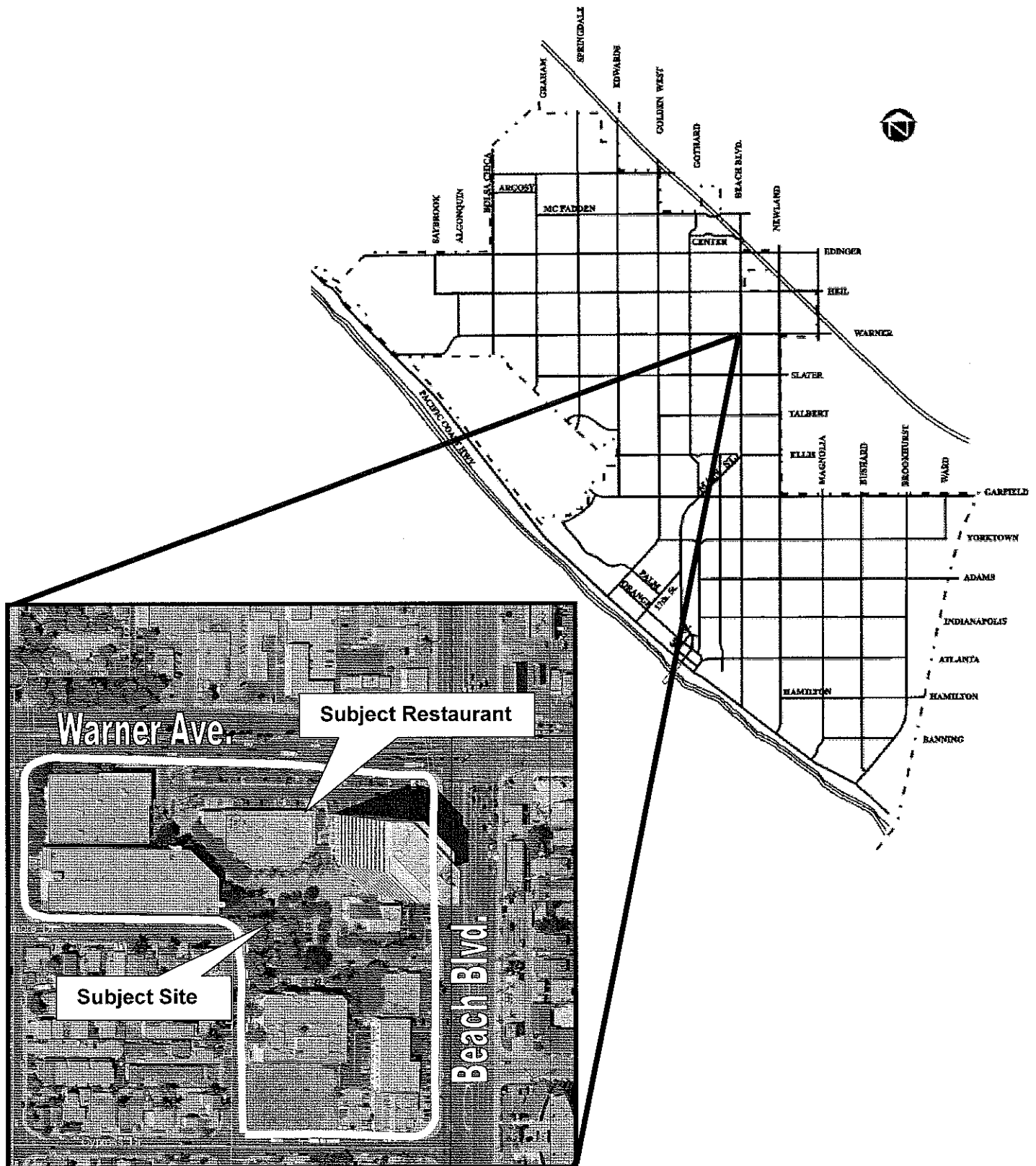
**STATEMENT OF ISSUE:**

- ♦ Conditional Use Permit No. 12-012 request:
  - To permit an approximately 1,713 sq. ft. eating and drinking establishment with the onsite sales, service, and consumption of alcoholic beverages within an existing vacant building suite.
- ♦ Staff's Recommendation: Approve Conditional Use Permit No. 12-012 based upon the following:
  - The proposed use is in compliance with the General Plan designation of Mixed Use.
  - The proposed restaurant use and related ancillary use of alcohol sales, service, and consumption within an existing building, as conditioned, will not generate negative impacts to adjacent uses.

**RECOMMENDATION:**

Motion to:

“Approve Conditional Use Permit No. 12-012 with suggested findings and conditions of approval (Attachment No. 1).”



**VICINITY MAP**  
**CONDITIONAL USE PERMIT NO. 12-012**  
**(SCRAPS RESTAURANT – 7862 WARNER AVENUE STE. 110)**

### **ALTERNATIVE ACTION(S):**

The Planning Commission may take alternative actions such as:

A. "Continue Conditional Use Permit No. 12-012 and direct staff accordingly."

B. "Deny Conditional Use Permit No. 12-012 with findings for denial."

### **PROJECT PROPOSAL:**

Conditional Use Permit No. 12-012 represents a request to permit an eating and drinking establishment with alcoholic beverage sales, service, and consumption within an existing vacant commercial suite pursuant to Section 2.2 of the Beach & Edinger Corridors Specific Plan. The project site consists of approximately 9.4 acres located on the southwest corner of Beach Blvd. and Warner Avenue known as the Comerica Tower Center. The project site is developed with a fifteen-story office tower at the corner of Beach Boulevard and Warner Avenue, several one-story strips of retail, office, and restaurant uses fronting Beach Boulevard and Warner Avenue, as well as a two-story movie theater, a six-story parking structure, and a two-story Bally's Total Fitness. The proposed restaurant is located within a one-story retail building suite fronting Warner Avenue including approximately 1,713 sq. ft. of interior restaurant area and no outdoor dining is proposed. The establishment of a restaurant with alcohol requires review and approval of a conditional use permit by the Planning Commission. Other related ancillary uses such as dancing and live entertainment are not part of the subject request. The prior occupant of the suite was a restaurant use but without the sale, service, and consumption of alcoholic beverages.

The proposed restaurant will employ approximately 5 people. The proposed hours of operation are between 4:00 PM and 11:00 PM Tuesday through Thursday and between 4:00 PM and 12:00 AM Friday through Sunday (closed on Monday). The sales, service, and consumption of alcohol is proposed to occur within the interior of the proposed restaurant only. The project will involve interior modifications typical for restaurant use improvements.

**Study Session:** Not Applicable.

### **ISSUES:**

#### **Subject Property And Surrounding Land Use, Zoning And General Plan Designations:**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Site:	M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay)	SP14 (Beach and Edinger Corridors Specific Plan – Neighborhood Center)	Commercial center
North of Subject Site (across Warner Ave.)	M – sp – d	SP14 (BECSP – Town Center Boulevard) & RM (Residential Medium Density)	Commercial
East of Subject Site (across Beach Blvd.):	M – sp – d	SP14 (BECSP – Neighborhood Boulevard)	Commercial
South of Subject Site:	M – sp – d	RM, SP14 & CG (Commercial General)	Multi-family residential & Commercial

LOCATION	GENERAL PLAN	ZONING	LAND USE
West of Subject Site:	CG – F1 (Commercial General – 0.35 Max Permitted Density) / RM – 15 (Residential Medium Density – 15 du/ac)	RM & CG	Multi-family residential & Commercial

### **General Plan Conformance:**

The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City’s General Plan as follows:

#### **A. Land Use Element**

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy – 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed project will establish a restaurant with the sale, service and consumption of alcoholic beverages inside an existing building at the Comerica Tower Center. The site is located within the Beach and Edinger Corridors Specific Plan designation and the use is consistent with the Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs for a successful restaurant establishment in a safe manner for customers and residents of the surrounding area.

#### **B. Economic Element**

Policy– ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

Policy – 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules

The project is located along a focal corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

**Zoning Compliance:**

The proposed project is located on a site within the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP) and the request complies with the requirements of that designation. The previous approved use at this location was a restaurant; however it did not include alcohol. The proposed restaurant use with alcohol requires approval of a conditional use permit by the Planning Commission. The project will not increase existing building area and therefore does not require additional parking spaces because the intensity of the use remains the same; and a new restaurant with alcohol sales, service and consumption does not constitute an increase in required parking spaces.

**Urban Design Guidelines Conformance:** Not Applicable.

**Environmental Status:**

The proposed project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves the operation and permitting of the existing development involving negligible expansion of an existing use.

**Coastal Status:** Not Applicable.

**Redevelopment Status:** Not Applicable.

**Design Review Board:** Not Applicable.

**Subdivision Committee:** Not applicable.

**Other Departments Concerns and Requirements:**

The Police Department has reviewed the project proposal and has identified a list of operational restrictions associated with the proposed restaurant with alcohol service (Attachment No. 4). The applicant has reviewed the proposed conditions and expressed their understanding and willingness to comply with these conditions.

**Public Notification:**

Legal notice was published in the Huntington Beach/Fountain Valley Independent on August 30, 2012, and notices were sent to property owners and occupants of record within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning and Building Department's Notification Matrix), tenants, applicant, and interested parties. As of September 4, 2012, staff has received no comments in support or opposition to the request.

**Application Processing Dates:**

**DATE OF COMPLETE APPLICATION:**

July 20, 2012

**MANDATORY PROCESSING DATE(S):**

September 20, 2012

Conditional Use Permit No. 12-012 was filed on May 18, 2012 and deemed complete on July 20, 2012. The application is scheduled for public hearing before the Planning Commission on September 11, 2012.

**ANALYSIS:**

The proposed restaurant is located in a vacant suite within a free-standing commercial building at an existing mixed-use (commercial/office/restaurant) center. The location is suitable for a restaurant with alcohol due to the mix of uses existing and allowed on and surrounding the site. The operation of the proposed restaurant with alcohol will occur only within the interior of the building and is proposed in an area designated and designed for this type of use. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience.

The Police Department has reviewed the request and suggests several conditions of approval to ensure the establishment preserves the current restaurant atmosphere, avoids noise disturbances, and complies with City and State law regarding alcohol sales and consumption.

The use will be required to comply with conditions of approval pertaining to the operation to assure that any potential impacts to the surrounding properties are minimized. With the suggested conditions of approval, the subject request will not result in noise, safety, or compatibility issues. The request to permit a restaurant with alcohol service, sales and consumption is consistent with the scope and intent of development in the BECSP designation and supported by the General Plan.

**ATTACHMENTS:**

1. Suggested Findings and Conditions of Approval – CUP No. 12-012
2. Site Plans, Floor Plan, and Elevations received and dated May 18, 2012
3. Project Narrative received and dated May 18, 2012
4. Code Requirements Letter dated August 16, 2012

SH:HF:EE:kd

## **ATTACHMENT NO. 1**

### **SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL**

#### **CONDITIONAL USE PERMIT NO. 12-012**

##### **SUGGESTED FINDINGS FOR PROJECTS EXEMPT FROM CEQA:**

The Planning Commission finds that the project will not have any significant effect on the environment and is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

##### **SUGGESTED FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 12-012:**

1. Conditional Use Permit No. 12-012 to permit an approximately 1,713 sq. ft. eating and drinking establishment with alcohol sales and consumption within an existing building at an existing mixed-use center site in the Beach and Edinger Corridors Specific Plan zoning designation will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The proposed sales and service of alcoholic beverages is regulated by the provisions of Chapter 9.44 of the Huntington Beach Municipal Code. The subject request will not result in noise, safety, or compatibility issues. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. Furthermore, the consumption of alcoholic beverages will be wholly contained within the building's interior and will not generate detrimental impacts onto surrounding properties.
2. The request to establish a restaurant with alcohol sales and consumption will be compatible with surrounding uses because the project is located within an existing mixed-use center. The restaurant is surrounded by commercial, office, and restaurant uses and therefore will be consistent with the existing land use pattern and compatible to its surroundings. The use will be required to comply with conditions of approval pertaining to alcohol service and operation to assure that any potential impacts to the surrounding properties are minimized.
3. The request to establish a restaurant with alcohol sales, service and consumption within an existing building will comply with the Neighborhood Center segment of the Beach and Edinger Corridors Specific Plan (BECSP), and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO). The BECSP allows eating and drinking establishments with alcohol service subject to approval of a conditional use permit. The BECSP and General Plan land use designation anticipated restaurant uses with alcohol service, sale and consumption in this area. The request for alcohol is ancillary to the primary restaurant use and will serve to augment the overall dining experience. There is no physical expansion that includes additional floor area to the existing building as part of this request and the proposed use will comply with all building occupancy/exiting requirements.

4. The granting of the conditional use permit to establish a restaurant with alcohol sales, service and consumption is consistent with the General Plan. The General Plan Land Use Map designation on the subject property is M – sp – d (Mixed Use – Specific Plan Overlay – Design Overlay). The proposed project is consistent with this designation and the policies, objective, and goal of the City’s General Plan as follows:

A. Land Use Element

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Objective LU 7.1 Accommodate the development of a balance of land uses that (a) provides for the housing, commercial, employment, cultural, entertainment, and recreation needs of existing and future residents, (b) provides employment opportunities for residents of the City and surrounding sub-region, (c) captures visitor and tourist activity, and (d) provides open space and aesthetic relief from urban development.

Policy – 10.1.8 Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures to prevent negative impacts on adjacent properties.

The proposed project will establish a restaurant with alcoholic beverages inside an existing building within the Beach and Edinger Corridors Special Plan designation that is consistent with the Building Use Regulations and is compatible with the surrounding mix of uses. The proposed conditional use permit will provide for the business needs of a successful restaurant establishment by permitting the sale of alcoholic beverages in a safe manner for customers and residents of the surrounding area.

B. Economic Element

Policy– ED 2.4.3 Encourage the expansion of the range of goods and services provided in Huntington Beach to accommodate the needs of all residents in Huntington Beach and the market place.

Policy – 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules

The project is located along a focal corridor of the City that contains existing restaurants, retail, and entertainment uses. The project serves to strengthen the existing business and facilitate continued viability of the center.

**SUGGESTED CONDITIONS OF APPROVAL – CONDITIONAL USE PERMIT NO. 12-012:**

1. The site plan, floor plan, and elevation plan received and dated May 18, 2012, shall be the conceptually approved design.
2. The use shall comply with the following:
  - a. Hours of operation shall be limited to between 7:00 AM and 11:00 PM Tuesday through Thursday, and between 7:00 AM and 12:00 AM Friday through Sunday.



- b. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public until at least 30 minutes prior to the scheduled closing time. **(PD)**
  - c. All alcoholic beverages shall remain within the interior of the restaurant and bar. Service of alcoholic beverages for off-site consumption shall be prohibited. **(PD)**
  - d. All areas where the sales, service, and consumption of alcoholic beverages will be permitted shall be sufficiently illuminated to permit the identification of patrons. **(PD)**
  - e. Dancing and entertainment shall be prohibited. **(PD)**
  - f. Prior to the sale of alcoholic beverages, a copy of the Alcoholic Beverage Control Board (ABC) license, along with any special conditions imposed by the ABC, shall be submitted to the Planning and Building Department for the file. Any conditions that are more restrictive than those set forth in this approval shall be adhered to.
3. The Development Services Departments and divisions (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.
  4. Conditional Use Permit No. 12-012 shall become null and void unless exercised within two years of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date.
  5. The Planning Commission reserves the right to revoke Conditional Use Permit No. 12-012 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance, or Municipal Code occurs.
  6. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>).

#### **INDEMNIFICATION AND HOLD HARMLESS CONDITION:**

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or

proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

### GENERAL NOTES AND SPECIFICATIONS

- [illegible]

DISABLE "HC" AND DOOR NOTES:

- [illegible]

## FIRE DEPARTMENT NOTES:

- [illegible]

**TENANT OWNER:** *Jeffrey J. Korman, Esq.*  
10000 Wilshire Blvd., Suite 1000  
Beverly Hills, CA 90210

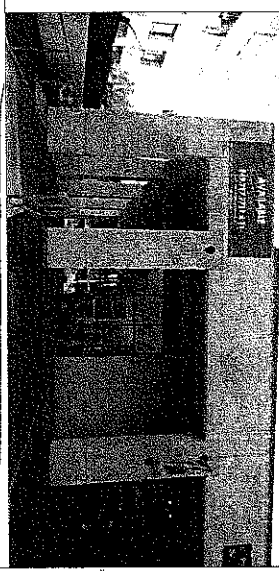
**LANDLORD:** *Deborah Korman, Esq.*  
10000 Wilshire Blvd., Suite 1000  
Beverly Hills, CA 90210

## A TENANT IMPROVEMENT PROJECT FOR:

# SCRAPS RESTAURANT

7862 WARNER AVE. #110, HUNTINGTON BEACH, CA 92647

FRONT ELEVATION



### PROJECT DESCRIPTION

- |  |               |
|--|---------------|
| DRIVING AREA                             | 816.52        |
| STORAGE AREA                             | 10.00         |
| RESTROOM AREA                            | 30.00         |
| TOTAL FLOOR AREA (775) SF                |               |
| SEATING AREA (168) SEAT (21) (168) SEATS |               |
| RESTROOM (16) (20) SEAT                  |               |
| TOTAL OCCUPANT LOAD                      | 224 (150-240) |
- 
- |   |
|---|
| 1. KITCHEN/COOKING AND EQUIPMENT TO BE<br>REPLACED    |
| 2. EXISTING HALL, FLOORING AND CEILING TO<br>REMAIN   |
| 3. EXISTING 10 BATHS/RECLINATED FLOOR 91<br>TO REMAIN |
| 5. EXISTING HVAC TO BE REMAIN                         |

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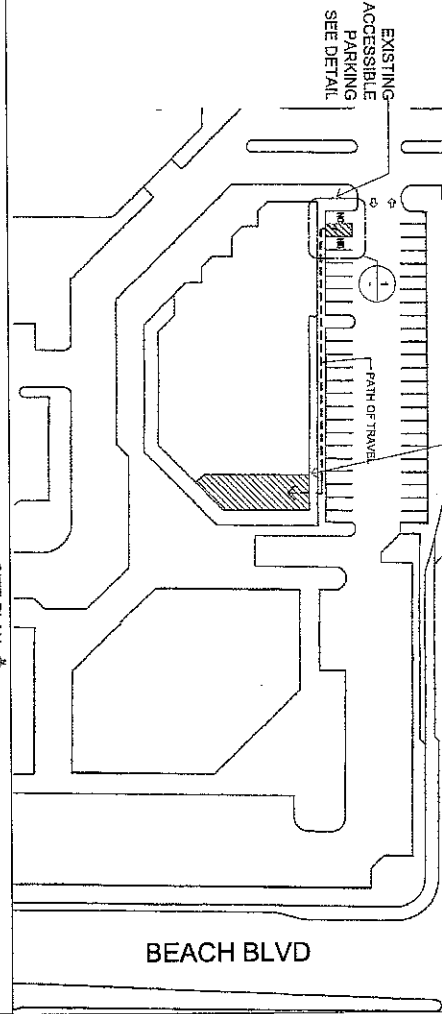
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- | Revision | Date       |
|----------|------------|
| 1        | 20/01/2020 |
| 2        | 20/01/2020 |
| 3        | 20/01/2020 |

**PROJECT SITE**

WARNER AVE.

EXISTING-  
ACCESSIBLE  
PARKING  
SEE DETAIL.

SITE PLAN 

### DISABLE ENTRANCE SIGN

5	DISABLE PARKING SIGN
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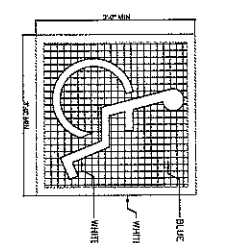
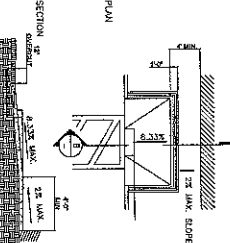
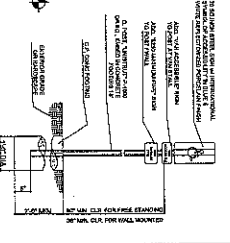
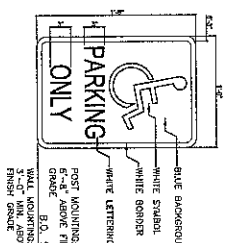
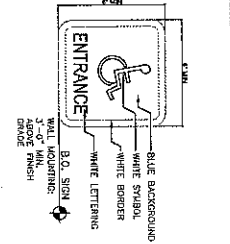
(NTS)

## CURB CUT DETAIL (NTS) 3

DISABLE ACCESS SYMBOL

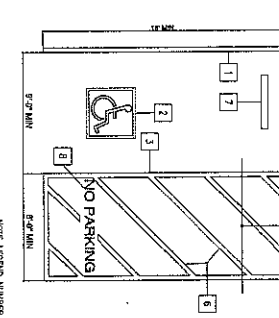
## 2.2. E. TYPICAL DISABLED PARKING LAYOUT

1000



**KEYED NOTE LEGEND**  
THESE KEY NOTES PERTAIN TO THIS DETAIL ONLY.

1. 4. WERE THERE ANY OTHER STYLING TECHNIQUES USED? SEE ITEM 10 FOR ADDITIONAL STYLING INFORMATION.
2. 5. WERE THERE ANY OTHER STYLING TECHNIQUES USED? SEE ITEM 10 FOR ADDITIONAL STYLING INFORMATION.
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7. 10. WERE THERE ANY OTHER STYLING TECHNIQUES USED? SEE ITEM 10 FOR ADDITIONAL STYLING INFORMATION.



TENANT IMPROVEMENT  
SCRAPS RESTAURANT

7862 WARNER AVE #110  
HUNTINGTON BEACH CA 92647



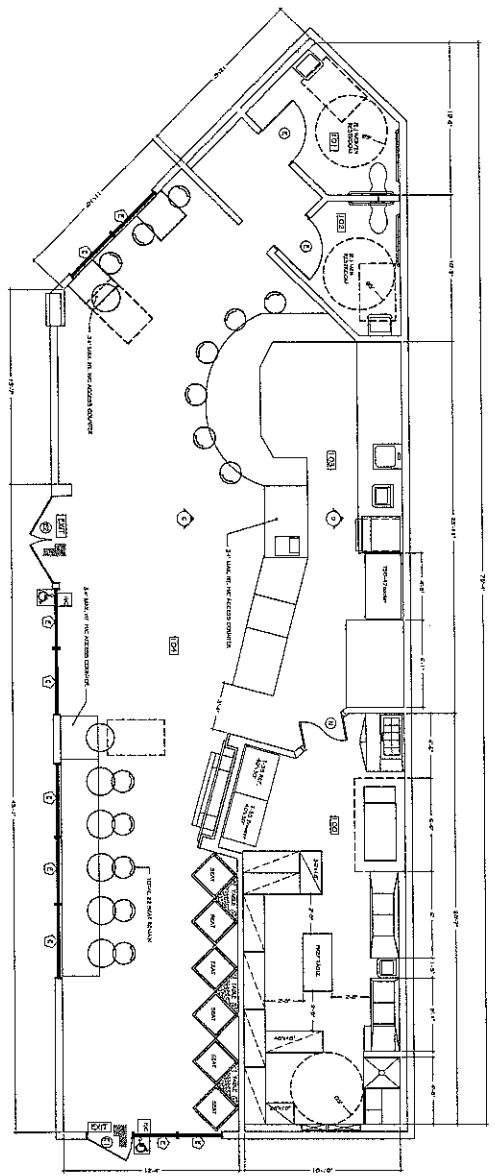
**BILLY**  
**DESIGNER**  
6936 GARDEN GROVE

GARDEN CENTER, 3000 S.W. 22ND AVE.  
 (754) 527-1028  
 bmydesign@bmydesign.com  
 bmydesign.com  
 bmydesign.com

**PERMISSION AND CONSENT  
OF BILLY DESIGNER**

## SITE PLAN

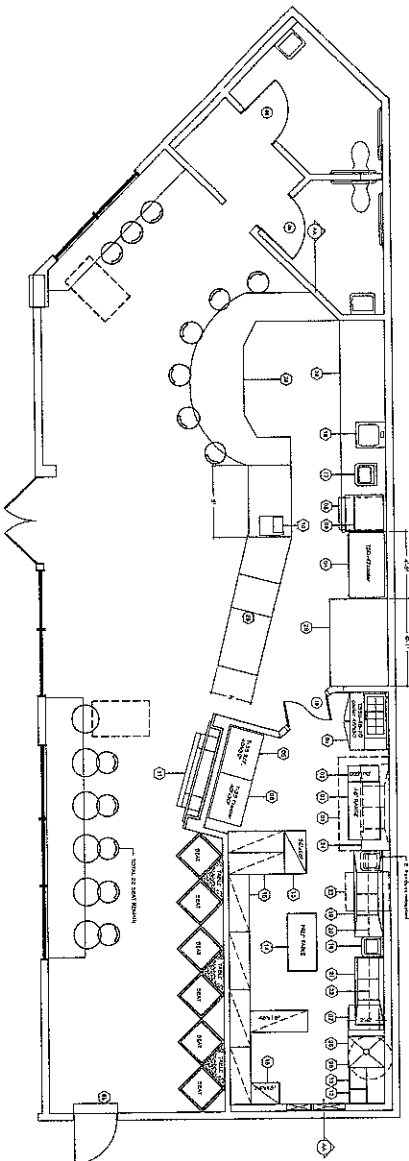
A-1



SECTION A-A

19'-0" 12'-0" 30'-3" 24'-0" 7'

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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A-3

<p><b>BLAATT</b></p> <p><b>DISPOSER</b></p> <p>DISPOSER'S NAME ADDRESS CITY STATE ZIP</p>	<p><b>DESIGNER</b></p> <p>DESIGNER'S NAME ADDRESS CITY STATE ZIP</p>	<p><b>TENANT IMPROVEMENT</b></p> <p><b>SCRAPS RESTAURANT</b></p> <p>7862 WARNER AVE #110 HUNTINGTON BEACH CA 92647</p>	<p><b>PROJECT</b></p> <p>PROJECT NO. PROJECT NAME PROJECT ADDRESS</p>	<p><b>DATE</b></p> <p>DATE OF SUBMITTAL DATE OF REVIEW DATE OF DECISION</p>
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0.2.3

RECEIVED

MAY 18 2012

SCRAPS Restaurant – Visualize entering a restaurant with decorative designs seen from every corner of the room. Unlike a typical restaurant, SCRAPS will provide a unique combination of excellent food at value pricing with a fun and entertaining atmosphere. SCRAPS is the answer to an increasing demand. The public wants quality, value and variety for everything that it purchases along with an atmosphere that invites a social dining experience.

In today's highly competitive environment, it is becoming increasingly more difficult to differentiate one restaurant concept from another. SCRAPS does this by offering dishes that are inspired combinations from different cuisines to create new and exciting dishes. Though mostly Asian influenced, we provide a culinary experience served “tapas” style. The intent of our menu is to encourage sharing and pairing with an alcoholic drink. This style of eating is focused on bringing people together in order to foster good conversation while enjoying an excellent meal. Our focus is to encourage parties to meet and enjoy a variety of fun dishes that will be sure to meet even the most fastidious appetites.

SCRAPS will strive to be the premier Asian Fusion restaurant in the local marketplace. Our target demographic consists of people ages 21-48 who see a twist on tapas style food and a vibrant social setting. We aim to provide a meeting ground for young professionals who are in search of a place to unwind with coworkers and friends. We want our guests to have the total experience when visiting. Our main focus will be serving quality food at a great value. We will feature a large selection of dishes, making sure each dish is visually appealing. We will feature over 30 items on the menu daily that are full of flavor and zest at an unbelievable price!

Employee welfare will be equally important to our success. All will be treated fairly with the utmost respect. We planned to hire the best eight people available, training, motivating and encouraging them, and thereby retaining the friendliest, most efficient staff possible. We want them to feel a part of the success of SCRAPS. Happy employees make happy guests.

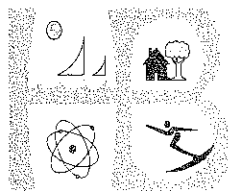
Offering alcohol draws in a nice atmosphere in exchange for SCRAPS to be very profitable. Alcohol doesn't require the preparation and handling that food does it offers restaurant owners a much better profit margin. Restaurants that buy a bottle of wine for

\$10 can decant it by the glass, charge \$7 per serving and make a 66% profit! Beer is also quite profitable and can allow a restaurant to mark up a bottle by up to 300%.

Alcohol can help customer pass the time while waiting for a table. You also get your hands on those guests who love to eat out but want an alcoholic drink to go with it. People will come in just so they can drink with their meal. Others will see that they are offered on the menu and choose to have one or two with their meal.

SCRAPS hours of operation are:

- Mondays: Off
- Tuesdays – Thursdays: 4PM - 11PM
- Fridays – Sundays: 4PM – 12AM



# City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

## DEPARTMENT OF PLANNING AND BUILDING

[www.huntingtonbeachca.gov](http://www.huntingtonbeachca.gov)

### Planning Division

714.536.5271  
August 16, 2012

### Building Division

714.536.5241

Vinh Nguyen  
3045 Bartlett Avenue  
Rosemead, CA 91770

**SUBJECT: Conditional Use Permit No. 12-012 (Scraps Restaurant)**

Dear Mr. Nguyen,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation should the Planning Commission approve your project.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission if the project is approved. Please note that if the design of your project or site conditions change, the list may also change.

The Director of Planning and Building has interpreted the relevant Sections of the Zoning and Subdivision Ordinance to require that your project satisfy the following development standards. If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 or at [ethan.edwards@surfcity-hb.org](mailto:ethan.edwards@surfcity-hb.org) and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP  
Associate Planner

Enclosure

cc: Khoa Duong, Building and Safety Division – 714-872-6123  
Josh McDonald, Public Works – 714-536-5509  
Steve Fong, Police Department – 714-536-5960  
Herb Fauland, Planning Manager  
Jason Kelley, Planning Department  
Project File





## HUNTINGTON BEACH PLANNING DIVISION

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: JUNE 21, 2012  
PROJECT NAME: SCRAPS RESTAURANT  
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 12-085  
ENTITLEMENTS: CUP 12-012  
DATE OF PLANS: MAY 18, 2012  
PROJECT LOCATION: 7862 Warner Avenue, Suite 110  
PLAN REVIEWER: ETHAN EDWARDS  
TELEPHONE/E-MAIL: (714) 536-5561, ETHAN.EDWARDS@SURFCITY-HB.ORG  
PROJECT DESCRIPTION: To permit an approximately 1,713 sq. ft. eating and drinking establishment with alcohol.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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#### CONDITIONAL USE PERMIT NO. 12-012:

1. The site plan, floor plans, and elevations approved by the Planning Commission shall be the conceptually approved design.
2. The structure(s) cannot be occupied until a Certificate of Occupancy is approved and issued by the Planning & Building Department. **(HBMC 17.04.036)**
3. The use shall comply with the following:
  - a. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. **(HBZSO Section 230.74)**
4. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions

of approval. The Director of Planning & Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**


5. Conditional Use Permit No. 12-012 shall become null and void unless exercised within one year of the date of final approval or such extension of time as may be granted by the Director pursuant to a written request submitted to the Planning and Building Department a minimum 30 days prior to the expiration date. **(HBZSO Section 241.16.A)**
6. Conditional Use Permit No. 12-012 shall not become effective until the appeal period following the approval of the entitlement has elapsed. **(HBZSO Section 241.14)**
7. The Planning Commission reserves the right to revoke Conditional Use Permit No. 12-012 pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
8. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
9. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
10. The applicant shall submit a check in the amount of \$50.00 for the posting of the Notice of Exemption/Determination at the County of Orange Clerk's Office. The check shall be made out to the County of Orange and submitted to the Planning Department within two (2) days of the Planning Commission's approval of entitlements. **(California Code Section 15094)**
11. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning & Building Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**



## CITY OF HUNTINGTON BEACH

### PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

#### PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: 6/12/12  
PROJECT NAME: SCRAPS RESTRUANT  
ENTITLEMENTS: TUP 12-12  
PLNG APPLICATION NO: 2012-0085  
DATE OF PLANS: 5/18/12  
PROJECT LOCATION: 7862 WARNER AVENUE, SUITE 101  
PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER  
TELEPHONE/E-MAIL: 714-536-5561 / [ETHAN.EDWARDS@SURFCITY-HB.ORG](mailto:ETHAN.EDWARDS@SURFCITY-HB.ORG)  
PLAN REVIEWER: JOSH MCDONALD, CIVIL ENGINEERING ASSISTANT   
TELEPHONE/E-MAIL: 714-536-5509 / [JOSHUA.MCDONALD@SURFCITY-HB.ORG](mailto:JOSHUA.MCDONALD@SURFCITY-HB.ORG)  
PROJECT DESCRIPTION: TO PERMIT AN APPROXIMATELY 1,713 SQ. FT. EATING AND DRINKING ESTABLISHMENT WITH ALCOHOL

Public Works has reviewed the subject project and plans (dated May 18, 2012) and has no comments.



## HUNTINGTON BEACH POLICE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JUNE 14, 2012  
**PROJECT NAME:** SCRAPS RESTAURANT  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 12-085  
**ENTITLEMENTS:** TUP 12-012  
**DATE OF PLANS:** MAY 18, 2012  
**PROJECT LOCATION:** 7862 WARNER AVENUE, SUITE 101  
**PLAN REVIEWER:** STEVEN FONG, DETECTIVE / PD VICE  
**TELEPHONE/E-MAIL:** (714) 536-5960, SFONG@HBPD.ORG  
**PROJECT DESCRIPTION:** To permit an approximately 1,713 sq. ft. eating and drinking establishment with alcohol.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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The Police Department does not believe the modification will significantly affect the business activity to the area or increase the potential to create public nuisances, as the location's primary business emphasis is as a full service restaurant but will add the addition of on-site alcohol sales.

In order to prevent the location from operating as a night club or public premise, we recommend the following conditions be added to a new Conditional Use Permit:

1. To ensure the location maintains a restaurant atmosphere, food service from the regular menu shall be available from the time the business opens to the public, until at least 30 minutes prior to the scheduled closing time.
2. All alcoholic beverages shall remain within the interior of the restaurant and bar. Service of alcoholic beverages for consumption off-site will not be permitted.

3. All areas where the sales, service, and consumption of alcoholic beverages will be permitted must be sufficiently illuminated to permit the identification of patrons.
4. Dancing and entertainment shall be prohibited.



## HUNTINGTON BEACH BUILDING DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

**DATE:** JUNE 7, 2012  
**PROJECT NAME:** SCRAPS RESTAURANT  
**PLANNING APPLICATION NO.** PLANNING APPLICATION NO. 12-085  
**ENTITLEMENTS:** TUP 12-012  
**DATE OF PLANS:** MAY 18, 2012  
**PROJECT LOCATION:** 7862 Warner Avenue, Suite 101  
**PLAN REVIEWER:** KHOA DUONG, P.E  
**TELEPHONE/E-MAIL:** (714) 872-6123  
**PROJECT DESCRIPTION:** To permit an approximately 1,713 sq. ft. eating and drinking establishment with alcohol.

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The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer.

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- **SPECIAL CONDITIONS:**

- None

- **CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:**

- Detail 1/A-1 – Without curb, truncated domes are required to separate parking area/unloading area and side walk. Please show location of truncated domes on Site plan.
- Detail 3/A-1 – Truncated domes are required at curb ramp.
- The occupant loads in Dining area shall comply with Table 1004.1.1. (Fixed seats cannot be used to calculate the occupant loads.)
- The occupancy group A-3 shall be used for this project.
- For mixed occupancy and use, please comply with Section 508 of 2010 CBC.
- New double door leading to Prep #100 shall have one leaf not less than 3'. Section 1133B.2.3.1.
- Existing doors E1 and E2 shall have panic hardware.

- Provide grease interceptor for restaurant. Show location and size outside the building.
- Provide wheelchair seating spaces to comply with Section 1104B.5
- **COMMENTS:**  
Planning and Building Department encourage the use of pre submittal zoning applications and building plan check meetings.



## HUNTINGTON BEACH FIRE DEPARTMENT

### PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MAY 28, 2012

PROJECT NAME: SCRAPS RESTAURANT

ENTITLEMENTS: PA NO. 12-085, TEMP. CUP NO. 12-012

PROJECT LOCATION: 7862 WARNER AVENUE, HUNTINGTON BEACH, CA

PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 536-5561/ Ethan.Edwards@surfcity-hb.org

PLAN REVIEWER-FIRE: James Brown, Fire Protection Analyst

TELEPHONE/E-MAIL: (714) 374-5344, jbrown@surfcity-hb.org

PROJECT DESCRIPTION: To permit an approximately 1,713 sq. ft. eating and drinking establishment with alcohol.

RECEIVED

MAY 29 2012

Dept. of Planning  
& Building

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated MAY 24, 2012. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: JAMES BROWN, FIRE PROTECTION ANALYST.

**PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:**

#### **Fire Protection Systems**

**Automatic Fire Sprinklers** are required. Any modifications to the building that affects the fire sprinkler system coverage will require a permit. Separate plans (three sets) shall be submitted to the Fire Department for permits and approval. The submittal must comply with the 2010 CFC, and NFPA 13. Fire Code standards can be found in *City Specification #420. (FD)*

**Fire Alarm system** is required. Any modifications to the building that affects the fire alarm system coverage or building alarm system will require a permit. Submit separate plans (three sets) to the Fire Department for permits and approval. The submittal must comply with the 2010 CFC, CEC, and NFPA 72. **(FD)**



**Fire Extinguishers** shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

**Commercial Food Preparation Fire Protection System** required for commercial cooking. Plans (three sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection Of Commercial Cooking Operations* in the plan notes. (FD)

### **Addressing and Street Names**

**Commercial Building Address Numbers** shall be installed to comply with City Specification #428, Premise Identification. Note: Units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. Unit address numbers shall be a minimum of four inches (4") affixed to the units front and rear door. All address numbers are to be in a contrasting color. For Fire Department approval, reference compliance with City Specification #428 Premise Identification in the plan notes and reflect the address location on the building. (FD)

### **Building Construction**

**Exit Signs And Exit Path Markings** will be provided in compliance with the California Fire Code and Title 24 of the California Administrative Code. Reference compliance in the plan notes. (FD)

### **THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:**

- Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with CFC Chapter 14, Fire Safety During Construction And Demolition. (FD)

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Fire Department City Specifications may be obtained at:  
Huntington Beach Fire Department Administrative Office  
City Hall 2000 Main Street, 5<sup>th</sup> floor  
Huntington Beach, CA 92648  
or through the City's website at

[http://www.huntingtonbeachca.gov/government/departments/Fire/fire\\_prevention\\_code\\_enforcement/fire\\_dept\\_city\\_specifications.cfm](http://www.huntingtonbeachca.gov/government/departments/Fire/fire_prevention_code_enforcement/fire_dept_city_specifications.cfm)

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.

ATTACHMENT NO. 4.10